6th Circuit Court of Appeals

United States District Court
Eastern District of Michigan
Southern Division

24

US
v
Jack Carpenter III /

District Court Case No: 23-20152
6th Cir Case No: 23-1661
6th Cir Case No: ?
US Suprem Ct. Case No: 23-7731
6th Cir En banc Case No:

Appellate brief



## I. Jurisdiction

Appellate courts have subject matter jurisdiction to review a "motion to dismiss for lack of jurisdiction" that has been struck or denied by the District Court at anytime during the proceedings because jurisdiction involves the competency for a court to hear a case and is regarding the power of a District Court to issue orders against a person and/or to proceed to trial. Since "Federal courts are obligated to act sua sponte whenever a question about jurisdiction arises," ... "Without prompting or suggestion; on it own motion" see Bleavins v. New Csq. LEXIS 251867, an appellate court has subject matter jurisdiction to review a District Court's

ailure to exercise its duty to look into questions of jurisdiction.

According to rule 12(b)(2) of the Federal Rules of Criminal Procedure a defendant may file "[a] motion that the court lacks jurisdiction... at any time while the case is pending." When reviewing denials of motions to dismiss for lack of jurisdiction or the failure to act sua sponte when a question of jurisdiction arises, the appellate court should apply a clear-error or abuse-of-discretion standard to review factual determinations and a de novo standard of review to legal determinations. See U.S. v. Grenier, 513 F.3d 632, 635-36 (6th Cir. 2008)

It is a general rule that "a court ordinarily does not have power to issue an order against a person... over whom it has not acquired in personam jurisdiction 11A Charles Alan Wri G. H. + ? Arthur R. Miller, Federal Practice and Procedure § 2956 (3d ed 2023); see also Posner v. Essex Ins Co. 178 F.3d 1209, 1214 n. 6 (11th Cir 1999) "A court without personal jurisdiction is powerless to

take Further action."

The District Court was made aware of the question of whether or not In Personam jurisdiction existed from the complaint itself, the reading of miranda rights, the extradition hearing, the presentation of indictment where the magistrate stated that "Mr. Goldsmith will hear the challenge to jurisdiction", every oral hearing in front of the District Court, multiple rule 12(b) motions, letters to the Court, two appeals, and a petition of habeas corpus to the U.S. Supreme Court.

The District Court failing to raise the issue suasponte as well as failing to recognize that 28 USCS § 1654 cannot create a discretion to ignore questions that it has an obligation to raise on its own motion are questions of law to review de novo.

## II. Competency

The District Court issuing an orcher against the person of the defendant while aware the question of In Personam jurisdiction was raised are questions

of law and require a de novo review.

The District Court, while exercising jurisdiction against the person of the defendant while a question of jurisdiction over his person existed, stated in an order declaring defendant incompetent (denying him the right to a trial) that despite the record reflecting defendant had the "ability to understand the ongoing legal proceedings" and was "able to interact with defense counsel or otherwise assist in his defense", meeting the standards to show competency explained in Dusky v. U.S., 362 U.S. 402, 402, 80 S. Ct. 788, 4 L. Ed. 2d 824 (1960) by stating in its own opinion:

"After considering all available evidence, the Court is unable to conclude that Carpenter does not have a rational understanding of the proceedings, against him" ... and ... "[Carpenter] also took notes and asked his defense counsel to ask certain questions of Dr. Nyboe."

the District Court then claimed that defendant refusing to abandon the argument that the Court was ignoring its duty to look into the question

of jurisdiction was evidence proving an inability to assist in one's own defense by claiming that defendant's "fixation on his jurisdictional argument" is "particularly troublesome" and is "First and most important" evidence of an inability to consult with defense counsel and assist in his defense. Refusing to allow the District Court to run roughshod over a defense the Court has a duty to observe, and has failed to do so, is "proof of incompetence" according to the District Court.

This confuses the Dusky Standard, and is a misapplication of a fact to a standard of law:

"That defendant understood the criminal nature of the proceedings is reflected by the fact that he challenged the Court's jurisdiction... the question remains whether defendant's beliefs or other behaviors established a 'deeper breakdown in... cognitive ability (i.e. ability to understand the ongoing legal proceedings)' Gooch, 595 F. Appx at 528. Again, the record reflects that defendant had a 'rational as well as factual understanding of the proceedings against him." U.S. v. Coleman, 871 F.3d 470 (6th Cir 2017)

The Court notes that it cannot conclude defendant lacks a rational understanding of the proceedings and that he can communicate with defense attorney, and assist defense counsel in cross-examining a witness, then claims that repeatedly demanding the Court observe its duty to inquire into questions of jurisdiction when it refuses to do so is an inability to communicate with defense counsel. Even under clear-error standards defendant should prevail here as defendant is being denied a trial for disagreeing with defense counsel, not the inability to communicate with them. Disagreements of facts or law between defendant and defense counsel is not the "inability to communicate with defense counsel" simply because a man who believes appellate case no. 23-1661 is a delusion in defendant's mind claims defendant has a mental illness. Personally, I feel that under clear-error standards, showing that Dr. Nybo assuming that

"appellate case no: 23-1661 was a delusion in defendant's mind" and assuming a Systems Administrator for the University of Michigan in their highest tier as the only staff member to manage both Linux and Windows Operating Systems, and responsible for all systems updates and security of web servers who is trained in computer forensics by law enforcement is "delusional" about what he can prove with computer forensics, while Dr. Nybo had no access to the evidence in question shows Dr. Nybo to be more of a quack than an expert. At the very least it shows that anything Dr. Nybo doesn't believe is a delusion in others minds. As a federal employee assessing a person's ability to stand trial, it is also extremely problematic that he feels inclined to include a person's religious beliefs as a factor to consider for an evaluation of competency, as does the US Attorney, which are very significant issues.

The District Court also assumed the role of the jury by declaring that defendant's belief that facts support the reasonable belief that declaration of lawful force was necessary to stop or prevent crimes against persons was itself proof of incompetence. The Court does not laborate this claim, it simply states that the belief that force was awful under the circumstances and facts known to the defendant at the time of the alleged offense means the defendant cannot communicate with defense counsel to assist in his defense.

In a defense of self or others claim there are three levels of force the ow recognizes:

1. Force on the mind - no physical force - Words, Coercion, Intimidation
2. Non-deadly physical force
3. Deadly force

It must be stated, that defendant is accused of using force on the mind which the lowest form of force. Any situation where any force

is lawful, words are reasonable force as a matter of law and principle. Defendant alleges that facts support the use of deadly force under the law as the crimes being committed include, but are not limited to: Crimes Against Humanity; War Crimes; International Terrorism; Genocide; Murder; etc.

Considering Congress confirmed "some" of the facts known to defendant on June 3rd, 2024, and when addressing one of the alleged actors defendant intended to include in his declaration of lawful force stated: "You should be prosecuted for crimes against humanity" it would seem that defendants use of reasonable force was plausably lawful. But regardless, this is a question for the jury, not Dr. Nybo, Mr. Goldsmith, Mr. Moon, or Ms. Carlson. To state the obvious, a competent person would know this, an incompetent person would think this is a question for Dr. Nybo and Mr Goldsmith, as it shows a lack of rational and factual

understanding of the role of the Judge and Jury. I find it ironic that everyone except the defendant seems to be confused about this act, but defendant's competency is the one in question. I also do not understand how this would be evidence I cannot communicate with defense counsel to assist in my defense.

As these errors of facts and law have resulted in the denial of a right to a trial, defendant is entitled to relief. The District Court cannot transfer a question of fact belonging to the jury to itself by improperly applying the Dusky Standard for competency. This would mean that any time a jury finds that a defendant's beliefs are unreasonable or do not support the use of force or the amount of force was in excess to the situation, then defendant was de facto incompetent, lacking a factual understanding, and that delusion entirely informed his defense, and thus impairs his ability to

It is worthy of note that the District Court was aware that defense counsel prevented evidence to support defendant's beliefs from entering the record as defense counsel stated this fact to the Court as well as flatly declared that "clearly defendant is competent" when defense counsel pointed out that defendant was predicting what the US Attorney was going to argue to have his pro se motions dismissed." Defendant has no history of mental illness" and "defense counsel will often have the best-informed view of the defendant's ability to participate in his defense." U.S. v Coleman.

## III. In Personam Jurisdiction

Defendant claims that under the Law of Nations that the Court lacks in personam jurisdiction. This claim was never addressed on the merits yet was used as evidence of incompetence. As explained in

sections I and II federal courts are obligated to act sua sponte whenever a question of jurisdiction arises, without prompting or suggestion, nd challenging jurisdiction is evidence supporting an understanding of the roceedings. It does not follow that maintaining the argument that this is violation of due process, and defendant is entitled to have this issue eard on its merits is evidence that defendant cannot consult with efense counsel to formulate a defense.

As the District Court entirely avoided the question of jurisdiction and the 6th Circuit failed to recognize that it has subject matter jurisdiction ver the District Court's failure to meet its duty to look into questions f jurisdiction, there are no findings of fact and the standard of eview is de novo.

"For two centuries [courts] have affirmed that the domestic law of the United States recognizes the Law of Nations. See, e.g., Sabbatino, 376 U.S., at 423,

11 L. Ed. 2d 804, 84 S. Ct. 923 ('It is, of course, true that United States courts apply international law as a part of our own in appropriate circumstances'); The Paquete Habana, 175 U.S., at 700, 44 L. Ed. 320, 20 S. Ct. 290 ('International Law is part of our law, and must be ascertained and administered by the courts of Justice of appropriate jurisdiction, as often as questions of right depending upon it are duly presented for their determination'); The Nereide, 13 U.S. 388, 9 Cranch 388, 423, 3 L. Ed. 769 (1815) (Marshall, C.J.) ('[T]he Court is bound by the Law of Nations which is part of the Law of the Land');" Sosa v. Alverez-Machain, 542 U.S. 692, S. Ct. (2004)

Belligerent has two definitions depending upon circumstance, whether it is one nation carrying war against another nation or a civil war between two factions in one nation fighting for political control over the nation. A recognition of belligerency only applies to the latter. This situation is the former.

"Belligerent - A nation, power, or state carrying war against another nation power, or state; or a portion of one nation carrying on war against the nation, which has been recognized by other nations as a belligerent. 30 Am J Rev ed Internat L § 11; 56 Am J 1st War §3" Ballentines Law Dictionary

"A state must possess a body of men so related as to warrant the belief in the continued existence of the unity. Each state may be its own judge as to the time when these relationships are established" ... "For

local law a community may enter upon state existence long before this existence is recognized by other nations, as in the case of Switzerland before 1648" ... "State existence de facto is not a question of International Law but depends upon the existence of a sovereign political unity ... This de facto existence is not dependent upon the will of any other state or states." ... "The internal acts of a de facto state are valid, whatever the attitude of the international circle" see Harcourt v. Gaillard, 12 Wheat, 523, 527. see also M'Ilvaine v. Coxe's Lessee, 4 Cr. 209, 212 ('It has never been admitted by the United States that they acquired anything by way of cessation from Great Britain by that treaty [of Peace, 1783]. It has only been viewed as a recognition of preexisting rights, and on that principle the soil and the sovereignty, within their acknowledged limits, were as much theirs at the Declaration of Independence as at this hour.)

"The most comprehensive right [is a] right to exist as a sovereign political unity. From this comprehensive right flow the general rights of independence, equality, jurisdiction, property, and intercourse."

"International Law" by George Grafton Wilson PhD and George Fox Tucker PhD

So, from this we can establish that a nations existence is not the result of the Laws of or will of the United States or any other nation. A nation's existence is a matter of self-determination, the nation has the right to exist, and thus the right to be independent. We can establish from the following

that "recognition" is distinct from "existence", and Independence stems from existence not recognition, and it is existence that creates sovereign rights.

"War has been defined to be, 'That state in which a nation prosecutes its right by force.' The parties belligerent in a public war are Independent nations. But it is not necessary to constitute war, that both parties should be acknowledged as Independent nations or Sovereign States. A war may exist where one of the belligerents claims sovereign rights against the other... It is so laid down by the best writers on the Law of Nations. A declaration was by one country only, is not a mere challenge to be accepted or refused by the other... It is not necessary that the Independence of the revolted province or State be acknowledged in order to constitute it a party belligerent in a war according to the Law of Nations... Now, it is a proposition never doubted, that the belligerent party who claims to be sovereign, may exercise both belligerent and sovereign rights." Brig Amy Warwick, 67 U.S. 635 U.S. S. Ct. (1818)

Courts are duty bound to recognize belligerent rights and sovereign rights of self-declared states, whether recognized or not, as they cannot impose on the roles of the executive nor congress in their respective duties. They are duty bound to recognize the role of the sovereign as

well as those employed in the service of the sovereign. Courts must allow testimony to prove they occupy those roles.

"Persons or vessels employed in the service of a self-declared government, thus acknowledged to be maintaining its separate existence by war, must be permitted to prove the fact of their being actually employed in such service, by the same testimony which would be sufficient to prove that such vessel or person was employed in the service of an acknowledged state." U.S. v Palmer, 1818 U.S. LEXIS 380 U.S.S.Ct. (1818)

The Declaration of Sovereignty filed by the US Attorney and the many times they acknowledge I claim to be the Head of State of this self-declared sovereign government is sufficient to meet this burden.

A court attempting to exercise In Personam Jurisdiction over the person of the sovereign of a foreign nation is a violation of International Law, the Law of the Land, and a judicial act of war usurping the role of Congress and the Executive.

"In the present case he appears in his sovereign character... and in such a case no consent to submit to the ordinary tribunals of the country can be implied... it cannot be implied where the Law of Nations is unchanged - nor where the implication is destructive of the independence, the equality, and dignity of the sovereign... Law requires the consent of the sovereign, either express or implied, before he can be subjected to a foreign jurisdiction... the Law of Nations excludes the implication and presumption in every case where the sovereignty is concerned - as 1. In the case of an ambassador - 2. Of the Sovereign himself... If the courts of the United States should exercise such a jurisdiction it will amount to a judicial declaration of war... [U.S.] Sovereignty is absolute and universal. This is the general rule. But it is contended that there is an exception in four cases. 1. As to the person of the sovereign... 4. As to his property... [T]he rights of a foreign sovereign cannot be subjected to a foreign tribunal. He is supposed to be out of the country, although he may happen to be within it. If a foreign sovereign be found in the territory, he is not liable to ordinary jurisdiction ... Sovereigns are equal. It is the duty of a sovereign not to submit his rights to the decision of a co-sovereign. He is the sole arbitor of his own rights. He acknowledges no superior, but God alone. To his equals he shows respect, but not submission." The Schooner Exch. v. Mcfaddon, 11 U.S. 116 U.S S. Ct. (1812)

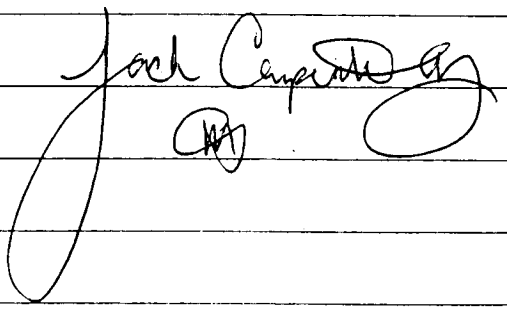
The Court cannot exercise personal jurisdiction over the Sovereign of a self-declared government entitled to Independence and dignity as a matter

of existence regardless of whether or not the nation is recognized or not by the Executive. Observing this truth of International Law does not equate to exercising the political power of recognition of the executive because ignoring this truth to exercise personal jurisdiction over the Sovereign of a self-declared state would amount to declaring war through the judicial branch, exercising a power which belongs to Congress. To recognize the Court lacks In Personam jurisdiction is to "not act", avoiding exercising the power of recognition and not judicially declaring war by denying the Independence of a Sovereign nation. The District Court lacks In Personam Jurisdiction over defendant, and was obligated to raise this question themselves, once the claim was made, sua sponte.

## IV. Defense Counsel Conflict of Interest

Because defense counsel wrote a letter stating a conflict of interest existing as a result of defendant arguing counsel created a due process issue by telling the Court to exercise In Personam Jurisdiction and that defendant will raise the issue again, if found competent; then refused to remove himself while delaying defendant's appeals; then prevented evidence and refused to call witnesses while representing defendant at an 18 USCS 4247(d) hearing against defendants wishes; the District Court was made aware of this conflict of interest and refused to look into it; and this resulted in the denial of a right to a trial, all orders of the District Court are reversible. The standard under either Strickland, 466 U.S. at 687 or Sullivan, 466 U.S. at 349-50 is met, but the standard to apply here is Sullivan.

I certify that this appellate brief is 20 pages long



pg. 1 of 2

Motion to include arguments from appeals, petition for habeas corpus, motions to dismiss, oral transcripts, and transcripts From Congressional Hearing on June 3rd, 2024 with Dr. Fauci

As defendant has been granted leave to file in forma pauperis I request the District Court and Court of Appeals include arguments from all previous appeals, petition for habeas corpus, all pro se motions to dismiss, letter from defense counsel stating a conflict-of-interest exists, oral transcripts from hearings with defendant speaking, and the Congressional hearing on June 3rd, 2024 where it was confirmed Eco-Health Alliance had its NIH Funding pulled as

USA v. Jack Carter
Case No: 23-20152
Mark A. Goldsmith

Mr. President,

Irony: Explaining that, "Everything they do to me happens to them to a 'T'."

and

"The smear campaign is vile, it ends up bad for them, not me."

and

"I know the plan is to try to make me look insane, I could leave off everything about Tarot off of here, but I want you to concentrate on it while I stick to COVID facts in court. Good luck figuring out when I am just playing the part."

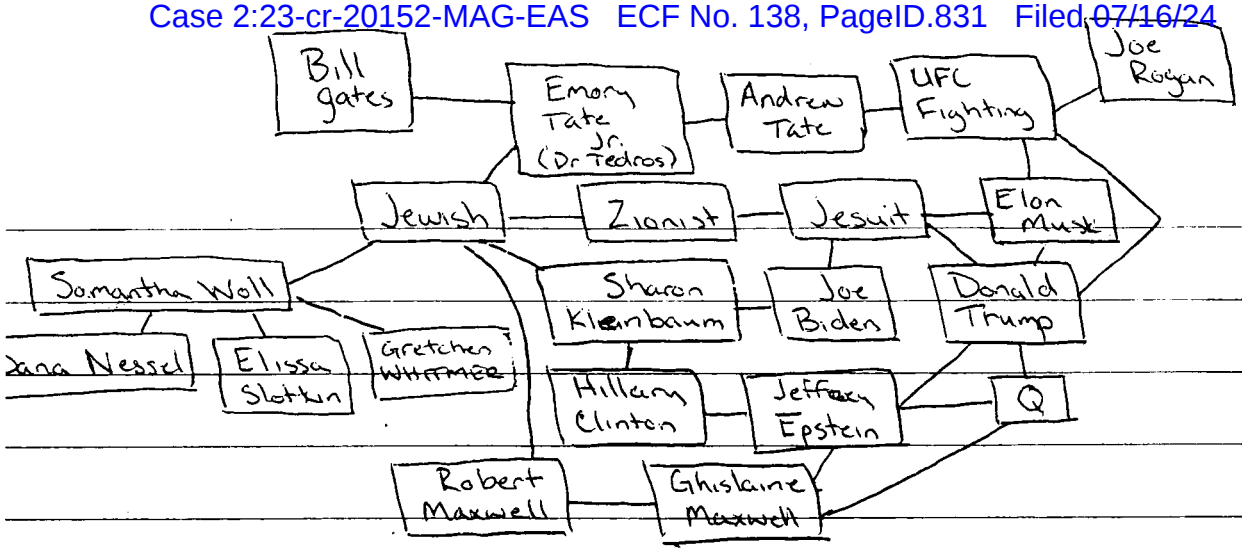
and

"I am going to sit back and watch the fireworks"

Then the entire world starts demanding the head of the executive branch steps aside because he isn't mentally competent.

You said you would only step aside as a result of an act of God. Define "Act of God."

I feel I have sufficiently proven that the US DOJ has no interest in pursuing the crimes that I have shown exist, and will instead attack the messenger. Now it is time to watch the network implode.




How big is this map by the time it includes the people trying to control the outcome of my federal case? How big is this map after studying you all for 25 decades? How is Sharon Kleinbaum connected to the LGTBQ+ agenda in schools? Did she come to power through the AIDS pandemic like Dr. Fauci? The jury that [redacted] terrorized the world by claiming you got AIDS from toilet seats to panic the world to sell experimental medication? I really do see all that you all do. But you don't know what I know, if I know or if I think you are friend or foe. Nor can you trust each other.

After this filing, I don't even have to really participate. Just do yoga, meditate, and watch. At several points, different choices could have been made by each of you. But you chose selfishness. Your heart was tested, and found wanting.

Watch the Fireworks

-The beggar King

Josh Cryderman

well as the statement from DARPA regarding the FOIA request where they acknowledge that Eco-Health Alliance requested funding to "release a human engineered Coronavirus into the bat population in China to innoculate bats against a novel virus that does not exist in nature." As well as the Executive Order from September 2019 to update new vaccine technologies signed by former President Donald Trump where section 4 tasks the National Institute of Health (Dr. Fauci) with "Developing a plan" to "manufacture public demand" and "manufacture public funding" for new vaccine technologies, including cell therapy (mRNA). "The Court may consider public records when deciding a motion to dismiss." See Bassett v. National Collegiate Ath. Ass'n 528 F.3d 426, 430 (6th Cir)

Joseph Carpenter

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